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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

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8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 JACERE CENTERS,

12 Defendant.

Case No. 2:13-cr-0125-APG-GWF

**ORDER ACCEPTING MAGISTRATE
JUDGE'S REPORT AND
RECOMMENDATION ON MOTION TO
SUPPRESS**

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14 On July 29, 2013, defendant Jacere Centers filed a motion [Dkt. #22] to suppress all
15 physical and testimonial evidence seized during the traffic stop of Mr. Centers on March 6, 2013.
16 After conducting an evidentiary hearing over two days, Magistrate Judge Foley entered his
17 Report and Recommendation [Dkt. #44] recommending that Mr. Centers' Motion to Suppress
18 [Dkt. #22] should be granted. The Government filed an Objection to the Report and
19 Recommendation [Dkt. #48] and Mr. Centers filed a Response [Dkt. #49]. Pursuant to Local
20 Rule IB 3-2(b), the court has conducted a *de novo* review of the motion to suppress and related
21 papers. Good cause appearing,

22 **IT IS HEREBY ORDERED** that Magistrate Judge Foley's Report and Recommendation
23 is accepted and approved. However, the court notes that the discussion in the Report and
24 Recommendation about whether the handgun would have been discovered during a properly
25 conducted inventory search [Dkt. #44 at 15:14 – 16:3] is *dicta*, given the finding that the police
26 were not authorized to perform an inventory search. [*Id.* at 15:11-13.] The court has not reviewed
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1 that issue given the disposition of the motion to suppress on other grounds. The remainder of
2 Magistrate Judge Foley's detailed analysis is adopted herein.

3 Dated: December 19, 2013.

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5 ANDREW P. GORDON
6 UNITED STATES DISTRICT JUDGE
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